

EXHIBIT D

Kelsch, Iwona

From: O'Rourke, Michael
Sent: Tuesday, December 17, 2024 1:24 PM
To: jim@beyandassociates.com
Cc: SJ NEC MDL; MDL3026PLC@dicellosevitt.com; MJC-Enfamil@cov.com
Subject: Correspondence in Pacheco v. Mead Johnson & Company, et al (24-cv-861)(MDL 3026)

Counsel,

The Complaint and Plaintiff Profile Form in the above-referenced matter do not specifically allege that the infant received a Mead Johnson product, nor has Plaintiff produced any medical records showing that a Mead Johnson product was fed to the infant in this case, as required by Case Management Order No. 12 (CMO 12), Section III.A.3. All cases that fail to demonstrate that Mead Johnson supplied the healthcare facility with the type of preterm infant nutrition administered to the infant must either “(a) dismiss or (b) amend the operative Complaint to dismiss Mead Johnson” within 120 days after the entry of the Order. CMO 12, III.C.6.a. CMO 12 was entered more than 120 days ago on May 6, 2024.

Accordingly, we ask that you immediately produce medical records identifying the Mead Johnson product fed to this infant or dismiss Mead Johnson. If you fail to do so by December 24, we intend to file a motion to show cause, as contemplated by CMO 12. III.C.6.B.

Thank you,

Michael Andrew O'Rourke
Associate

Steptoe

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